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12 United States of America

13 UNITED STATES DISTRICT COURT
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA
15 WESTERN DIVISION

16 UNITED STATES OF AMERICA,) CV 06-1971 SJO(AJWx)
)
17 Plaintiff,) CONSENT JUDGMENT OF FORFEITURE
) AS TO CLAIMANT ROBERT TRINGHAM
18 vs.) ONLY
) [This consent judgment is not
19 \$1,573,099.93 IN BANK ACCOUNT) case-dispositive but does
20 FUNDS, ET AL.,) resolve the claims of one
) claimant.]
21 Defendants.)
)
)
)

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24
25 This action was filed on March 31, 2006. Plaintiff seeks
26 forfeiture of various assets, \$1,573,099.93 in bank account
27 funds and \$52,269.09 as a substitute res for a 2006 Land Rover
28 Ranger (the "defendant assets"). Notice was given and published

1 in accordance with law. On May 23, 2006, a First Amended
2 Complaint was filed. On July 5, 2006, Hui Cindy Wang ("Wang"),
3 as a pro se, filed a claim to the defendant \$52,269.09 as a
4 substitute res for a 2006 Land Rover Range Rover.¹ Robert
5 Tringham ("Tringham"), who was formerly the president and owner
6 of First National Ban Corp. ("FNBC") and First Asset Management
7 Corp. ("FAMC"), also filed a claim to all the defendant assets
8 on July 5, 2006. Plaintiff filed a Second Amended Complaint on
9 November 8, 2007. On April 18, 2008, Tringham, FNBC and FAMC,
10 through counsel, filed claims and an answer to the Second
11 Amended Complaint. On or about January 13, 2012, Robb Evans &
12 Associates LLC ("Robb Evans"), the receiver of Finbar Securities
13 Corp. ("Finbar")² filed a claim and answer to the Second Amended
14 Complaint because FNBC and FAMC were believed to be subsidiaries
15 or affiliates of Finbar. No other claims or answers have been
16 filed, and the time for filing claims and answers has expired.
17 Plaintiff and Tringham have reached an agreement that is
18 conditionally dispositive of the government's claims against
19 Tringham's interest in this action, and hereby request that the
20 Court enter this Consent Judgment of Forfeiture.

21
22 ¹ On July 2, 2012, on motion of the government, the court struck
23 the claim of Wang and entered her default because she failed to
24 file an answer or otherwise defend her interests in this action.

25 ² The Receiver was appointed pursuant to the Preliminary
26 Injunction and Judgment of Permanent Injunction issued in the
27 case of Securities and Exchange Commission v. Finbar Securities
28 Corp. and Robert Tringham, et al., filed in the U.S. District
Court for the Central District of California, CV 09-2325
ODW(VBKx). Pursuant to that litigation, the Receiver was
appointed as receiver over Finbar and its affiliates and
subsidiaries. FNBC and FAMC are believed to be two such
affiliates and/or subsidiaries of Finbar.

1 Pursuant to this agreement, the government will recommend
2 to the United States Attorney General that any defendant assets
3 ultimately forfeited to the government be made available for
4 distribution on a pro rata basis to any victim and/or investor
5 in various investment programs established by Tringham, as part
6 of the restoration and/or remission process commonly utilized by
7 the Department of Justice, Asset Forfeiture Money Laundering
8 Section, in cases involving the seizure and forfeiture of
9 proceeds of fraud crimes. The government will further recommend
10 that Tringham be given credit toward his criminal restitution
11 obligation for any restoration and/or remission paid by the
12 Department of Justice to any victim listed in Tringham's
13 criminal restitution order as entered in United States v. Robert
14 Tringham, CR 09-00490 SJO.

15 This agreement is conditioned upon Tringham's criminal
16 conviction in United States v. Robert Tringham, CR 09-00490 SJO,
17 being upheld on appeal. If such conviction is affirmed on
18 appeal, this agreement shall become final. If such conviction
19 is reversed on appeal or otherwise vacated, this agreement shall
20 be void and the government shall be entitled to resume its
21 forfeiture action as to Tringham's interests in the defendant
22 assets and Tringham shall be entitled to resume his defense of
23 any claim to the defendant assets.

24 **WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

25 1. This Court has jurisdiction over the parties and the
26 subject matter of this action.

27 2. Notice of this action has been given in accordance
28 with law. All potential claimants to the defendant assets other

1 than claimants Tringham, FNBC, FAMC and Robb Evans are deemed to
2 have admitted the allegations of the Amended Complaint. The
3 allegations set out in the Second Amended Complaint are
4 sufficient to establish a basis for forfeiture.

5 3. The sole claimants to the defendant assets are
6 Tringham, FNBC, FAMC and Robb Evans. Tringham, individually and
7 as owner of FNBC and FAMC, has the legal right to abandon,
8 withdraw any claim, and consent to the forfeiture or other
9 appropriate disposition of all or any portion of his individual
10 interest in the defendant assets.

11 4. Tringham hereby withdraws his claim to the defendant
12 assets, plus any accrued interest on the defendant assets.
13 Accordingly, Tringham's interest in the defendant assets, plus
14 any accrued interest on the defendant assets, shall be disposed
15 of in accordance with law at the conclusion of this litigation
16 without further notice to Tringham.

17 5. Tringham hereby releases the United States of America,
18 its agencies, agents, officers and attorneys, including
19 employees and agents of the Internal Revenue Service, from any
20 and all claims, actions or liabilities arising out of or related
21 to the seizure of the defendant assets and the commencement of
22 this action, including, without limitation, any claim for
23 attorney's fees, costs or interest which may be asserted on
24 behalf of Tringham, whether pursuant to 28 U.S.C. § 2465 or
25 otherwise.

26 6. The court finds that there was reasonable cause for
27 the seizure of the defendant assets and institution of these
28 proceedings. This judgment shall be construed as a certificate

1 of reasonable cause pursuant to 28 U.S.C. § 2465.

2 7. The parties shall each bear their own costs and
3 attorneys' fees in this action.

4 8. The Court shall retain jurisdiction over this matter to
5 enforce the provisions of this Consent Judgment.

6 

7 Dated: September 19, 2012

8 THE HONORABLE S. JAMES OTERO
9 UNITED STATES DISTRICT JUDGE

10 **Approved as to form and content:**

11 DATED: September 14, 2012

12 ANDRÉ BIROTTE JR.
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14 ROBERT E. DUGDALE
15 Assistant United States Attorney
16 Chief, Criminal Division
17 STEVEN R. WELK
18 Assistant United States Attorney
19 Chief, Asset Forfeiture Section

20 /s/ P. Greg Parham
21 P. GREG PARHAM
22 Assistant United States Attorney
23 Attorneys for Plaintiff
24 United States of America

25 DATED: September 14, 2012

26 Byrne & Nixon LLP

27 /s/ Mark A. Byrne
28 MARK A. BYRNE
Attorneys for Claimant
Robert Tringham

DATED: September 14, 2012

/s/ Robert Tringham
ROBERT TRINGHAM